

Health and Human Services

PUBLIC 493 An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services LD 1949

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TURNER	OTP	

Public Law 2001, chapter 493 clarifies the reporting structure for regional directors and eliminates a position no longer existing within the Department of Behavioral and Developmental Services.

**PUBLIC 494 An Act to Require that Temporary Nurse Agencies Verify Certified LD 1843
Nursing Assistants' Eligibility Before Hiring Certified Nursing
Assistants**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP	

Public Law 2001, chapter 494 requires a temporary nurse agency to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants before hiring that certified nursing assistant.

**PUBLIC 511 An Act to Improve the Effectiveness of the Driver Education and LD 1916
Evaluation Programs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN NUTTING R	OTP	

Public Law 2001, chapter 511 repeals and amends laws regarding the Driver Education and Evaluation Programs. It makes the following changes:

1. It repeals the definition of "first offender with an aggravated operating-under-the-influence offense." Program changes eliminate the need for the definition.
2. It amends 2 affected motor vehicle laws to bring them into compliance with program changes. It corrects one law by identifying the Office of Substance Abuse as the location of the Driver Education and Evaluation Programs.
3. It corrects 2 laws by identifying the Department of Behavioral and Developmental Services as responsible for certification and licensing of alcohol and other drug treatment programs.
4. It amends a requirement for after care, when required, because of changes in treatment practices.

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PUBLIC 515 An Act Regarding Fire Inspections for Foster Homes LD 1847

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC	OTP	S-427 LONGLEY
LONGLEY		

Public Law 2001, chapter 515 changes the fire inspection period to be every 2 years for those places licensed as family foster homes and specialized children's homes. It brings the licensing and fire inspection requirements in line with each other and will ensure that all licensing requirements are addressed in a timely and coordinated manner.

PUBLIC 551 An Act to Ensure the Fair Collection of Overpayments LD 1930

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-884
LONGLEY		

Public Law 2001, chapter 551 prohibits the Department of Human Services, to the extent permitted by federal law, from collecting overpayments accrued in the Temporary Assistance for Needy Families program, the Aid to Families with Dependent Children program and the food stamp program from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

**PUBLIC 555 An Act to Establish the Asthma Prevention and Control Program in LD 1998
the Department of Human Services, Bureau of Health**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-877
TURNER		

Public Law 2001, chapter 555 establishes an asthma prevention and control program to provide leadership for and coordination of asthma prevention and intervention activities within the State. The program is authorized to receive federal grant money. The program will consult with statewide organizations concerned with the treatment and prevention of asthma.

**PUBLIC 571 An Act to Amend the Laws Governing Eligibility for General LD 1963
Assistance**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNCAN DAVIS P	OTP-AM	H-878

Public Law 2001, chapter 571 amends the definition of a "lump sum payment" governing eligibility for general assistance to be consistent with other portions of the law. It modifies the method of prorating lump sum income when determining general assistance eligibility. It also clarifies that lump sum income is prorated even when it is received prior to the initial application and it permits initial applicants to receive general assistance in an emergency if the sole reason they were ineligible was due to the proration of a lump sum income. It also directs the Department of Human Services to convene a group of interested parties to investigate the adequacy of the maximum levels of assistance in the general assistance program and report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

PUBLIC 574 An Act to Amend the Laws Regarding Public Health LD 2029

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE EDMONDS	OTP-AM	H-904

Public Law 2001, chapter 574 makes the following changes to the laws regarding public health.

1. It renames the burial-transit permit the "disposition of human remains permit" and makes other minor changes to the burial permit laws.
2. It requires residents of the State intending to be married to record notice of their intentions in the office of the clerk of the municipality in which at least one of them resides. It also removes a reference to "justice of the peace" from the list of persons authorized to solemnize marriages.
3. It renames the Office of Vital Statistics within the Department of Human Services the Office of Health Data and Program Management.
4. It requires the Department of Human Services, Bureau of Health to publish a state health plan biennially instead of annually.
5. It changes a reference to a program for children who are crippled to a reference to a program for children who are disabled.
6. It repeals the Cancer Prevention and Control Advisory Committee and establishes the Maine Cancer Registry Data Review Committee.
7. It amends the laws governing personal use regarding owner testing for radon.
8. It makes changes to the laws governing public notification that must be given by a public water system to conform the requirements to federal regulation.

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PUBLIC 580 An Act to Aid Implementation of the Maine Medical Marijuana Act LD 611 of 1998

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND	OTP-AM MAJ	S-451
QUINT	ONTP MIN	

Public Law 2001, chapter 580 clarifies the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increases the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and adds an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999.

PUBLIC 596 An Act to Implement the Recommendations of the Commission to LD 2195 Study Assisted Living

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2001, chapter 596 repeals the Maine Revised Statutes, Title 22, chapter 1665 on assisted living programs and reenacts it as chapter 1664. It changes the name of the chapter to Assisted Housing Programs, dividing the programs into independent housing with services, assisted living and residential care facilities. It updates the definitions of "activities of daily living" and "instrumental activities of daily living." It changes the law on fire safety for residential care and assisted living. It updates the chapter to reflect the 3 categories of assisted housing programs. It provides an effective date of October 1, 2002 and provides for the continuation of rules applicable to assisted living programs and services until new rules are adopted by the Department of Human Services.

PUBLIC 598 An Act to Ensure Maine Citizens in Recovery from Drug Addiction LD 2170 Equal Access to Public Assistance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY TURNER	OTP-AM	H-1003

Public Law 2001, chapter 598 provides that a person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977 or to receive Temporary Assistance for Needy Families may not be denied assistance because the person has been convicted of a drug-related felony. Federal law denies assistance to such a person unless a state legislature enacts legislation exempting its citizens from this prohibition.

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PUBLIC 600 An Act to Ensure Fairness in the Regulation and Reimbursement of LD 1514 Nursing Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KANE	OTP-AM	S-501

Public Law 2001, chapter 600 allows nursing facilities to refuse to admit a prospective resident which the facility is unable to serve because of lack of adequate staff. It requires rulemaking to ensure that persons handling the resources of persons in long-term care use those resources responsibly.

PUBLIC 609 An Act Regarding Eligibility for Financing Through the Maine LD 1891 Health and Higher Educational Facilities Authority

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	S-502

Public Law 2001, chapter 609 requires that unlicensed assisted living facilities that receive funding from the Maine Health and Higher Education Facilities Authority comply with the standardized contract and resident rights requirements applicable to licensed facilities.

PUBLIC 645 An Act Regarding Child Care Facility Laws LD 2027

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-972

Public Law 2001, chapter 645 makes the following changes to the laws governing day care centers and nursery schools. These changes are necessitated by anticipated changes to the rules governing these facilities:

1. References to "day care center" are changed to "child care facility";
2. The definition of "children" in the laws governing nursery schools, which is based on the age of a child, is changed;
3. Provisions in the laws governing nursery schools regarding communicable diseases, ratios and administration of medications are removed; and
4. The definitions of "day care centers" and "nursery school" are changed.

PUBLIC 650 An Act to Improve Access to Prescription Drugs for Persons who LD 2113

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EMERGENCY are Elderly or Disabled

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT LEMOINE	OTP-AM	S-506

Public Law 2001, chapter 650 requires the Department of Human Services to apply to the federal Centers for Medicare and Medicaid Services for a waiver or to amend a pending or current waiver under the Medicaid program authorizing the department to use federal matching dollars to enhance the prescription drug benefits available to persons who currently qualify for the elderly low-cost drug program. The law requires a report by January 12, 2003 to the Health and Human Services Committee.

PUBLIC 654 An Act to Expand Family Life Education Services in Maine Schools LD 1603

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MILLS	OTP-AM	H-1024

Public Law 2001, chapter 654 directs the Commissioner of Human Services to undertake initiatives in order to expand and enhance comprehensive family education services for students in kindergarten to high school. It also allows a parent to not have that parent's child participate in a comprehensive family life education program.

PUBLIC 664 An Act to Strengthen the Certificate of Need Law LD 1799

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ ONTP MIN	S-507 S-573 DOUGLASS

Public Law 2001, chapter 664 repeals and replaces the Maine Certificate of Need Act of 1978. This law clarifies when certificate of need waivers can be granted, clarifies the ability of the Department of Human Services to impose conditions on a certificate of need, changes certain dates, and eliminates the Certificate of Need Advisory Committee. It clarifies the authority of the Commissioner to review a project for which a certificate of need has been granted.

See also Public Law 2001, chapter 710, sections 9 and 10 clarifying that 22 MRSA section 332 (review after approval) applies retroactively to applications filed or approved on or after January 1, 1999.

PUBLIC 666 An Act to Support a Continuum of Quality Long-term Care LD 1924 **EMERGENCY Services**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN BROOKS	OTP-AM	S-523 S-611 GOLDTHWAIT

Public Law 2001, chapter 666 requires the Department of Human Services to make several changes in the system of payment for nursing facility services,. These changes include an overall requirement that the payment use regional wage adjustments, adjusting for inflation using factors that reflect increases in operating costs experienced in Maine and allowing nursing facilities to retain savings in routine component costs. The law requires the Department of Human Services to amend its principles of reimbursement for nursing facilities to lessen the occupancy penalty for facilities with fewer than 60 beds. The law also modifies fair hearing proceedings on Medicaid payment issues providing for an independent hearing officer. It requires reporting on long-term care costs and funding by January 31 every 2 years beginning January 31, 2003.

PUBLIC 678 An Act to Reduce Medical Errors and Improve Patient Health LD 1363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND KANE	OTP-AM	S-527 S-604 GOLDTHWAIT

Public Law 2001, chapter 678 establishes a sentinel event reporting system to improve the quality of health care provided to patients, increase patient safety and reduce medical errors for hospitals and other facilities licensed by the Division of Licensing and Certification, but not nursing facilities. The effective date is 5/1/03.

PUBLIC 683 An Act to Amend the Lead Poisoning Control Act LD 2038

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS EDMONDS	OTP-AM	H-1007

Public Law 2001, chapter 683 requires the Department of Human Services to distribute information on lead poisoning and to develop and distribute a lead poisoning risk assessment tool. Primary health care providers for children are required to test for blood lead levels in all children one year of age and 2 years of age who are covered by the MaineCare program and to test all children one year of age and 2 years of age unless, in the professional judgment of the attending physician, the child's level of risk does not warrant a blood lead level test. The law requires the Department of Human Services to convene a task force of representatives of pertinent health care organizations to determine a standard lead poisoning risk assessment tool for use statewide, to help disseminate the assessment tool and information on lead poisoning and to assist in developing additional recommendations that will increase lead screening in Maine. The department must report by January 1, 2004 on the initial work of the task force to the joint standing committee of the Legislature having jurisdiction over health and human services matters and by March 1, 2005 on the results of the lead poisoning risk assessment and blood lead level testing.

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Chapter 683 has an effective date of January 1, 2003.

PUBLIC 691 An Act to Transfer Responsibility for Determining Eligibility for LD 2026
the Elderly Low-cost Drug Program from the Department of
Administrative and Financial Services to the Department of Human
Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L TURNER	OTP-AM	H-911 S-553 GOLDTHWAIT

Public Law 2001, chapter 691 transfers the responsibility for determining eligibility for the low-cost elderly drug program from the Department of Administrative and Financial Services, Bureau of Revenue Services to the Department of Human Services, Bureau of Family Independence in order to better coordinate the program with the Healthy Maine Prescription Program and the Maine Rx Program. Transfer of the program must be completed by January 1, 2003.

PUBLIC 694 An Act to Provide Government with the Necessary Authority to LD 2164
Respond to a Public Health Emergency Caused by an Act of
Bioterrorism

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL BENNETT	OTP-AM A OTP-AM B ONTP C	H-1062

Public Law 2001, chapter 694 includes the following changes to the laws governing emergency health powers.

1. It relieves the Department of Human Services from the requirement to adopt emergency rules in the event of a public health emergency and instead allows the department to implement rules previously adopted designed to become effective upon the declaration of a state of public health emergency.
2. It allows the Department of Human Services to exercise its public health emergency powers upon a declaration of a state of public health emergency by the Governor.
3. It allows the Department of Human Services to have access to certain health information or take a person into temporary custody and order specific emergency care, vaccination, treatment or evaluation in the event of a public health emergency if the department has reasonable cause to believe the person has either been exposed to or is at risk of transmitting a communicable disease that poses a serious and imminent threat to human or animal life; there is no less restrictive alternative available to safeguard the public health and safety; and the delay involved in securing a court order would pose an imminent risk to the person or pose a serious risk of transmission of the communicable disease. A person may not be detained more than 48 hours without judicial review.

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RESOLVE 79 Resolve, to Name the New Psychiatric Treatment Center Located in LD 2158 Augusta

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Resolve 2001, chapter 79 establishes the name for the new psychiatric center located in Augusta as Riverview Psychiatric Center.

RESOLVE 84 Resolve, Directing the Department of Human Services to Apply for LD 2000 a Federal Waiver to Provide Medicaid Benefits to Uninsured Residents with a Diagnosis of Cancer

<u>Sponsor(s)</u> SHIELDS TURNER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-876
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Resolve 2001, chapter 84 directs the Department of Human Services to apply for a waiver to establish a Medicaid cancer program. Coverage under the program is limited to persons who lack health care coverage and covers only the diagnosis and treatment of cancer. Coverage may not begin until the waiver has been obtained from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the Legislature has approved the operation of the program and appropriated funding for coverage in the biennial budget.

RESOLVE 85 Resolve, to Address the Crisis in Direct-care Staff in the Long-term LD 2007 EMERGENCY Care System

<u>Sponsor(s)</u> KANE MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-886
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Resolve 2001, chapter 85 directs the Department of Human Services, the State Board of Nursing and the State Board of Education to review the rules regarding training and certification of unlicensed direct-care staff in the long-term care system. It requires reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding training and certification of unlicensed direct-care staff and requires a group of interested parties to meet to collaborate on a public awareness campaign regarding career opportunities in long-term care and to report to the same committee.

RESOLVE 88 Resolve, to Improve the Health of Maine Citizens Through LD 1858 Hepatitis C Prevention and Detection

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-860

Resolve 2001, chapter 88 directs the Department of Human Services, Bureau of Health to provide a media campaign to increase awareness of hepatitis C; access to laboratory testing for hepatitis C; education of medical and social service providers; epidemiological data collection; and coordination and evaluation of these initiatives. The implementation of these initiatives is contingent on the receipt of federal funding or donations from private sources for these purposes.

RESOLVE 89 Resolve, to Implement the Recommendations of the Health Care LD 1913
Workforce Steering Committee

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-454
SAXL	ONTP MIN	

Resolve 2001, chapter 89 creates the Health Care Workforce Leadership Council to address the shortage of skilled health care workers in the State. The council is composed of members from health care employers, health care workers and public and private postsecondary educational institutions. The Maine Technical College System provides staffing. Reports are required January 1, 2003 and November 3, 2004.

RESOLVE 90 Resolve, Regarding Legislative Review of Chapters I to IV: LD 2050
EMERGENCY Regulations Governing the Licensing and Functioning of Assisted
Living Facilities, a Major Substantive Rule of the Department of
Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-905

Resolve 2001, chapter 90 provides for legislative review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a major substantive rule of the Department of Human Services. The resolve also requires the facilities to distribute resident brochures prepared by the Long-term Care Ombudsman Program.

RESOLVE 92 Resolve, to Establish a Demonstration Project to Review LD 1947
Requirements Imposed on Agencies Contracting with the
Department of Behavioral and Developmental Services

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-909

Resolve 2001, chapter 92 requires the Department of Behavioral and Developmental Services to undertake a demonstration project to review increased costs to contracting agencies necessitated by changes dictated by the department, to develop strategies for achieving savings within those agencies, to review existing requirements in order to identify costs that may be minimized and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2003.

RESOLVE 94 Resolve, to Provide Access to Personal Care Assistant Home Care LD 1934 **EMERGENCY Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER LONGLEY	OTP-AM	H-997

Resolve 2001, chapter 94 requires the Department of Human Services to review its rules regarding the reimbursement structure for personal care assistant home care services, identify barriers to those services, revise rules as necessary to improve the delivery of those services and report to the Joint Standing Committee on Health and Human Services by January 15, 2003.

RESOLVE 114 Resolve, Establishing the Blue Ribbon Commission to Address the LD 1933 **EMERGENCY Financing of Long-term Care**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MARTIN	OTP-AM	H-910 S-556 GOLDTHWAIT

Resolve 2001, chapter 114 establishes a blue ribbon commission to address the escalating costs of long-term care and propose a comprehensive plan that addresses the financing of future needs while preserving high quality and promoting individual choice. The commission will investigate all relevant questions bearing on this issue, including but not limited to the following:

1. Whether the financial risk associated with uncertain long-term health care costs should be shared through some type of public or private insurance system;
2. Whether individuals should be encouraged or required to begin saving for predictable long-term health care needs at earlier ages; and
3. Whether each generation of working adults should pay for the long-term care costs of their parents' and grandparents' generations.

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The Commission is required to submit its report, along with any recommended implementing legislation, to the Health and Human Services Committee no later than November 6, 2003.

Chapter 114 was enacted as an emergency measure.